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10/699,774	11/04/2003	Masako Suehiro	0879-0419P	5909

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EXAMINER
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CUTLER, ALBERT H

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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02/08/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/699,774

Applicant(s)

SUEHIRO, MASAOKO

Examiner

Albert H. Cutler

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to communication filed on November 19, 2007.

Claims 1-8 are pending in the application.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa(US 6,819,355) in view of Anderson et al.(US 7,107,516), hereinafter referred to as Anderson, and Fujiwara(US 2003/0085988).

Consider claim 1, Niikawa teaches:

An image sending and receiving system (figure 5), comprising:

- an image sending apparatus (digital camera, 1, figures 1-5) which comprises:
  - an image capturing device (303, figure 4) which captures an image (column 4, lines 32-38);
  - a recording device (212) which records the captured image on a recording medium (memory card 8, column 5, lines 66-67, column 6, lines 34-39);
  - an image selecting device which selects a desired image of images recorded on the recording medium (Switches 6 and 7 are used to select images stored in memory, column 3, lines 36-47, column 6, lines 14-17, column 7, lines 10-13.);
  - a first communication device (213, the first communication device is the camera side of a USB connection, column 5, line 67 through column 6, line 3, column 6, lines 63-66, column 7, lines 60-67) which has a first communication mode capable of choosing an image and sending the selected image to the external device (During a reproduction mode, the switches 6 and 7 are used to select an image, and the camera sends the image to a personal computer (1000), column 4, lines 9-20, column 7, lines 10-38.), and a second communication mode for enabling the image sending device to function as an external recording device by receiving and recording images (The second mode is a photographing mode, and this mode is considered a communication mode as it is operable from the PC side, and images displayed on the camera display are also displayed on the PC, column 4, lines 9-20, column 7, lines 32-67, column 10, line 5 through column 11, line 7.);

a transfer instruction device which outputs a transfer instruction for transferring the image selected by the image selecting device(6 and 7) to the external device(PC) through the first communication device(The digital camera(1) sends the image currently being displayed in the display to the PC(1000), which image is chosen by switches 6 and 7, column 7, lines 32-38. Therefore, because the digital camera(1) sends the image, it acts as a transfer instruction device.); and

an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the first communication device(See column 10, line 41 through column 11, line 7. The digital camera can automatically switch modes, if instructed to do so by the PC, without the switching of the manual mode setting switch(14).); and

the external device(PC, 1000) includes an image receiving apparatus(The PC is the image receiving apparatus.) which comprises:

a second communication device(213, the second communication device is the personal computer side of a USB connection, column 5, line 67 through column 6, line 3, column 6, lines 63-66, column 7, lines 60-67.) which performs at least communication in the first communication mode(reproduction mode) with the image sending apparatus(column 6, line 63 through column 7, line 38);

a recording device which records the image received through the second communication device(Images are transferred to the computer through USB and displayed, column 3, lines 23-25, column 6, line 43 through column 7, line 38. In order

to receive and display the images on the computer, the computer must have at least a recording device in the form of a VRAM or DRAM.); and

a mode switch control device which controls a switch between the communication modes of the image sending apparatus(A mode setting switch(c14) displayed on the computer display is used to switch between modes, column 8, lines 41-64, column 10, line 6 through column 11, line 7.), wherein:

on checking that there has been the transfer instruction of the image from the transfer instruction device of the image sending apparatus, the mode switch control device of the image receiving apparatus determines whether or not the communication mode with the image sending apparatus is the first communication mode(reproduction mode), and sends a conversion command for ordering change to the first communication mode(reproduction mode) if determined that a current communication mode of the image sending apparatus is not the first communication mode(See figure 11, column 10, line 5 through column 11, line 7. Upon the transfer instruction of image data(S133), the image receiving apparatus(PC) determines the desired communication mode between the computer and the camera(S1306), and sends a mode change signal to the image sending apparatus(camera) if the camera is not in the same mode as the PC.); and

on receiving the conversion command from the image receiving apparatus(S134), the automatic mode switching device of the image sending apparatus(Camera) switches the communication mode of the first communication

device to the first communication mode(See S135-S137, column 10, line 63 through column 11, line 7).

Niikawa teaches of sending image data in a first communication mode(see above). However, Niikawa does not explicitly teach that the first communication mode is capable of sending an image capturing command to the external device. Also, Niikawa teaches that the image sending apparatus is capable of receiving and storing images in a second mode. However, Niikawa does not explicitly teach that said images are images transferred from the external device.

Anderson is similar to Niikawa in that Anderson teaches of a camera connected to a computer(figure 1), wherein images from the camera are viewed on the PC(column 3, lines 30-39, column 4, lines 1-5). Furthermore, Anderson similarly teaches that communication between the camera and PC is done via USB(column 4, lines 19-33). Anderson likewise teaches the manual and automatic selection of camera communication modes(column 5, lines 38-48).

However, in addition to the teachings of Niikawa, Anderson teaches of a communication mode in which images are transferred from the external device(PC) to the image sending device(camera, column 8, lines 4-9).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the second communication mode taught by Niikawa enable the image sending device to function as an external recording device by receiving and recording images transferred from the external device for the benefit of

increasing the versatility and operability of the camera by enabling a seamless two-way transmission between the camera, PC, and internet(Anderson, column 8, lines 4-9).

However, although Niikawa and Anderson teach of sending images to a computer, the combination of Niikawa and Anderson does not explicitly teach that that the first communication mode is capable of sending an "image capturing command" to the external device.

Fujiwara is similar to Niikawa in that Fujiwara teaches of a camera(5, figure 1) connected to a computer(8, figure 1), wherein images from the camera are viewed on the PC(paragraph 0071). Furthermore, Fujiwara similarly teaches that communication between the camera and PC is done via USB(paragraphs 0052, 0057, 0067, 0071).

However, in addition to the teachings of Niikawa and Anderson, Fujiwara teaches that the first communication mode is capable of sending an image capturing command to the external device(See S4-S7, figure 11, paragraphs 0084-0086. In an image reproduction mode similar to that of Niikawa, Fujiwara teaches that still images stored in the memory of the camera are transmitted to the PC. In order to transfer these images, the camera sends an image capturing command to the external device in the form of a bulk transfer request.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera communicating in the reproduction mode taught by Niikawa and Anderson send an image capturing command to the external device as taught by Fujiwara for the benefit that the external device can then take the



appropriate steps to ensure a transfer path and make the transfer of image data from the camera to the computer possible(Fujiwara, paragraph 0085).

Consider claim 2, and as applied to claim 1 above, Niikawa further teaches:  
the image sending apparatus further comprises a manual mode switching device(14) which switches between the first communication mode and the second communication mode by manual operation(column 10, lines 9-20); and  
the mode switching by the automatic mode switching device takes preference over the mode switching by the manual mode switching device(column 11, lines 4-7).

Consider claim 3, and as applied to claim 1 above, Niikawa further teaches:  
the automatic mode switching device of the image sending apparatus switches the communication mode of the first communication device to the second communication mode in a case where an initial communication mode was the second communication mode and a current communication mode is the first communication mode and it is in a non-connected state after connecting to the external device(column 11, lines 22-42).

Consider claim 4, and as applied to claim 1 above, Niikawa further teaches:  
the first communication mode is a PTP mode(i.e. pictures are sequentially transferred and reproduced in the first mode, see claim 1 rationale).

However, Niikawa does not explicitly teach that the second communication mode is a mass storage mode.

Anderson teaches that the second communication mode is a mass storage mode(column 4, lines 9-15, column 5, lines 14-48, column 10, lines 20-25).

Consider claim 5, and as applied to claim 1 above, Niikawa further teaches that the image sending apparatus(1) is a digital camera(column 3, line 5).

Consider claim 6, and as applied to claim 1 above, Niikawa further teaches that the image receiving apparatus(1000) is a personal computer(column 6, lines 43-44)

Consider claim 7, Niikawa teaches:

An image sending apparatus(digital camera, 1, figures 1-5), comprising:  
an image capturing device(303) which captures an image(column 4, lines 32-38);  
a recording device(212) which records the captured image on a recording medium(memory card 8, column 5, lines 66-67, column 6, lines 34-39);  
an image selecting device which selects a desired image of images recorded on the recording medium(Switches 6 and 7 are used to select images stored in memory, column 3, lines 36-47, column 6, lines 14-17, column 7, lines 10-13.);  
a communication device(213, the communication device is the camera side of a USB connection, column 5, line 67 through column 6, line 3, column 6, lines 63-66, column 7, lines 60-67) which has a first communication mode capable of choosing an

image and sending the selected image to the external device(During a reproduction mode, the switches 6 and 7 are used to select an image, and the camera sends the image to a personal computer(1000), column 4, lines 9-20, column 7, lines 10-38.), and a second communication mode for enabling the image sending apparatus to function as an external recording device by receiving and recording images(The second mode is a photographing mode, and this mode is considered a communication mode as it is operable from the PC side, and images displayed on the camera display are also displayed on the PC, column 4, lines 9-20, column 7, lines 32-67, column 10, line 5 through column 11, line 7.);

a transfer instruction device which outputs a transfer instruction for transferring the image selected by the image selecting device(6 and 7) to the external device(PC) through the communication device(The digital camera(1) sends the image currently being displayed in the display to the PC(1000), which image is chosen by switches 6 and 7, column 7, lines 32-38. Therefore, because the digital camera(1) sends the image, it acts as a transfer instruction device.); and

an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the communication device(See column 10, line 41 through column 11, line 7. The digital camera can automatically switch modes, if instructed to do so by the PC, without the switching of the manual mode setting switch(14).); wherein

on receiving a conversion command ordering change to the first communication mode(S134, figure 11) from the external device(PC) through the communication

device(213), the automatic mode switching device switches the communication mode of the communication device to the first communication mode(See S135-S137, column 10, line 63 through column 11, line 7).

Niikawa teaches of sending image data in a first communication mode(see above). However, Niikawa does not explicitly teach that the first communication mode is capable of sending an image capturing command to the external device. Also, Niikawa teaches that the image sending apparatus is capable of receiving and storing images in a second mode. However, Niikawa does not explicitly teach that said images are images transferred from the external device.

Anderson is similar to Niikawa in that Anderson teaches of a camera connected to a computer(figure 1), wherein images from the camera are viewed on the PC(column 3, lines 30-39, column 4, lines 1-5). Furthermore, Anderson similarly teaches that communication between the camera and PC is done via USB(column 4, lines 19-33). Anderson likewise teaches the manual and automatic selection of camera communication modes(column 5, lines 38-48).

However, in addition to the teachings of Niikawa, Anderson teaches of a communication mode in which images are transferred from the external device(PC) to the image sending device(camera, column 8, lines 4-9).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the second communication mode taught by Niikawa enable the image sending device to function as an external recording device by receiving and recording images transferred from the external device for the benefit of

increasing the versatility and operability of the camera by enabling a seamless two-way transmission between the camera, PC, and internet(Anderson, column 8, lines 4-9).

However, although Niikawa and Anderson teach of sending images to a computer, the combination of Niikawa and Anderson does not explicitly teach that that the first communication mode is capable of sending an "image capturing command" to the external device.

Fujiwara is similar to Niikawa in that Fujiwara teaches of a camera(5, figure 1) connected to a computer(8, figure 1), wherein images from the camera are viewed on the PC(paragraph 0071). Furthermore, Fujiwara similarly teaches that communication between the camera and PC is done via USB(paragraphs 0052, 0057, 0067, 0071).

However, in addition to the teachings of Niikawa and Anderson, Fujiwara teaches that the first communication mode is capable of sending an image capturing command to the external device(See S4-S7, figure 11, paragraphs 0084-0086. In an image reproduction mode similar to that of Niikawa, Fujiwara teaches that still images stored in the memory of the camera are transmitted to the PC. In order to transfer these images, the camera sends an image capturing command to the external device in the form of a bulk transfer request.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera communicating in the reproduction mode taught by Niikawa and Anderson send an image capturing command to the external device as taught by Fujiwara for the benefit that the external device can then take the

appropriate steps to ensure a transfer path and make the transfer of image data from the camera to the computer possible(Fujiwara, paragraph 0085).

Consider claim 8, Niikawa teaches:

An image receiving apparatus(1000, figure 5), comprising:

a communication device(213, the communication device is the personal computer side of a USB connection, column 5, line 67 through column 6, line 3, column 6, lines 63-66, column 7, lines 60-67.) which has a first communication mode capable of receiving from an image sending apparatus(camera, 1) a desired image of images recorded on a recording medium(memory card 8, column 5, lines 66-67, column 6, lines 34-39) in the image sending apparatus(During a reproduction mode, the switches 6 and 7 are used to select an image, and the camera sends the image to a personal computer(1000), column 4, lines 9-20, column 7, lines 10-38.), capturing the image in the image receiving apparatus(1000, S1310, figure 11, column 11, lines 8-16) and has a second communication mode enabling images to be stored in the image sending device(The second mode is a photographing mode, and this mode is considered a communication mode as it is operable from the PC side, and images displayed on the camera display are also displayed on the PC, column 4, lines 9-20, column 7, lines 32-67, column 10, line 5 through column 11, line 7.);

a recording device which records the image received from the image sending apparatus through the communication device(Images are transferred to the computer through USB and displayed, column 3, lines 23-25, column 6, line 43 through column 7,

line 38. In order to receive and display the images on the computer, the computer must have at least a recording device in the form of a VRAM or DRAM.);

a mode switch control device which controls a switch between the communication modes of the image sending apparatus(A mode setting switch(c14) displayed on the computer display is used to switch between modes, column 8, lines 41-64, column 10, line 6 through column 11, line 7.), wherein

on checking that there has been a transfer instruction received from the image sending apparatus through the communication device, the mode switch control device determines whether or not the communication mode with the image sending apparatus is the first communication mode(reproduction mode), and sends a conversion command for ordering change to the first communication mode(reproduction mode) if determined that a current communication mode of the image sending apparatus is not the first communication mode(See figure 11, column 10, line 5 through column 11, line 7. Upon the transfer instruction of image data(S133), the image receiving apparatus(PC) determines the desired communication mode between the computer and the camera(S1306), and sends a mode change signal to the image sending apparatus(camera) if the camera is not in the same mode as the PC.);

Niikawa teaches of sending image data in a first communication mode(see above). However, Niikawa does not explicitly teach that the first communication mode is capable of sending an image capturing command to the external device. Also, Niikawa teaches that the image sending apparatus is capable of receiving and storing

images in a second mode. However, Niikawa does not explicitly teach that said images are images transferred from the image receiving apparatus.

Anderson is similar to Niikawa in that Anderson teaches of a camera connected to a computer (figure 1), wherein images from the camera are viewed on the PC (column 3, lines 30-39, column 4, lines 1-5). Furthermore, Anderson similarly teaches that communication between the camera and PC is done via USB (column 4, lines 19-33). Anderson likewise teaches the manual and automatic selection of camera communication modes (column 5, lines 38-48).

However, in addition to the teachings of Niikawa, Anderson teaches of a communication mode in which images are transferred from the image receiving apparatus (PC) to the image sending device (camera, column 8, lines 4-9).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the second communication mode taught by Niikawa enable the image sending device to function as an external recording device by receiving and recording images transferred from the image receiving apparatus for the benefit of increasing the versatility and operability of the camera by enabling a seamless two-way transmission between the camera, PC, and internet (Anderson, column 8, lines 4-9).

However, although Niikawa and Anderson teach of sending images to a computer, the combination of Niikawa and Anderson does not explicitly teach that the first communication mode is capable of sending an "image capturing command" to the external device.



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However, in addition to the teachings of Niikawa and Anderson, Fujiwara teaches that the first communication mode is capable of sending an image capturing command to the external device(See S4-S7, figure 11, paragraphs 0084-0086. In an image reproduction mode similar to that of Niikawa, Fujiwara teaches that still images stored in the memory of the camera are transmitted to the PC. In order to transfer these images, the camera sends an image capturing command to the external device in the form of a bulk transfer request.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera communicating in the reproduction mode taught by Niikawa and Anderson send an image capturing command to the external device as taught by Fujiwara for the benefit that the external device can then take the appropriate steps to ensure a transfer path and make the transfer of image data from the camera to the computer possible(Fujiwara, paragraph 0085).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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AC



NGOC YEN VU  
SUPERVISORY PATENT EXAMINER